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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

STATE OF OREGON, et al., Civ. No. 05-3049-CO

Plaintiffs, Order

v.

GERALDINE SMITH, et al.,

Defendants.

Magistrate Judge John P. Cooney filed Findings and Recommendation on July 25, 2005 in the above entitled case. The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), cert. denied, 455 U.S. 920 (1982).

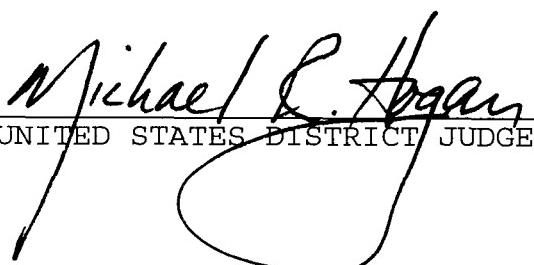
Defendant Smith timely filed objections. The court has,

therefore, given de novo review of Judge Cooney's rulings.

After review, the court adopts the Findings and Recommendation filed July 25, 2005 [#4] in its entirety. Plaintiff's motion for remand [#5] is granted.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of October, 2005.

  
Michael L. Hogan  
UNITED STATES DISTRICT JUDGE